

**From:** Bob Ramsey  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:21am  
**Subject:** microsoft settlement

Let me begin by saying that I am appalled that any court would seriously consider Microsoft's proposed settlement. There are two main flaws with the "operating systems for schools" proposal.

First is the way Microsoft will lie about the amount of money that it donates. Take for example a license for Office XP Professional. The Full Retail Price for this product according to Microsoft is 480 dollars. But the educational price that is paid by schools and students is only \$200. So Microsoft will claim that it is donating software worth 2.5 times as much as it would cost for a school to purchase, thus making the court and the Department of Justice look like fools for believing Microsoft. Again. And this does not take into account the discounts that are available with multiple purchases.

Second is the fact that this "punishment" will enable Microsoft to push its products deeper into the one niche market where there is still a viable competitor, Apple Computers. Apple has consistently courted the educational market better than Microsoft. A "punishment" of the sort outlined by Microsoft would enable them to oust their nearest competitor.

Microsoft has broken the law. Microsoft has been found guilty of breaking the law. These are often two different things, so I want to emphasize that point. They are guilty and they have been found by a court of law to be guilty. They must be punished.

One potential way to punish them is to force them to take returns on their operating systems. It is impossible to buy a computer from a major OEM (like Gateway, Dell, Compaq, HP, etc.) without purchasing a copy of Microsoft Windows. And yet I never, not once, use that software. I format the hard drive and install Linux. I do not open the shrinkwrap, I do not accept the license of the Microsoft Operating System and I do not use it. And yet I can not, as it says on the license, return the software. Microsoft will not accept it because I bought the computer from Gateway. Gateway will not accept it because it is Microsoft software. As one part of their punishment, I would force Microsoft to accept unopened OEM versions of their products.

I am sure you will hear many suggestions for punishing Microsoft, so I will limit my suggestions to the one above. There are many other good suggestions though, and I hope someone at the Justice Department does some justice. It's about time.

=====

Bob Ramsey

Computer Consultant II

ph: 1(319)335-9956                      216 Boyd Law Building  
fax: 1(319)335-9019                      University of Iowa College of Law  
mailto:robert-ramsey@uiowa.edu              Iowa City, IA 52242-1113  
For Hardware and Software questions, call 5-9124

---